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RK West, Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RK West, Inc., a California corporation d/b/a Malibu Wholesale, individually and on Behalf of all Others Similarly Situated,

Plaintiff,

vs.

GOOGLE, INC., a Delaware Corporation; and DOES 1 through 10, inclusive.

Defendants.

CASE NO. CV 08-03452

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE

AND

**REQUEST FOR REASSIGNMENT
TO A UNITED STATES
DISTRICT JUDGE**

**REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

Pursuant to Civil Local Rule 73-1, the undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

DATED: July 18, 2008

KABATECK BROWN KELLNER

By

Brian S. Kabateck
Richard L. Kellner
Alfredo Torrijos
Attorneys for Plaintiff and the class

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CERTIFICATION OF SERVICE

1 I am employed in the County of Los Angeles, State of California. I am over
 2 the age of 18 and not a party to the within action; my business address is 644 South
 3 Figueroa Street, Los Angeles, CA 90017.

4 On July 18, 2008, I served the foregoing document described as:
 5 **Declination To Proceed Before A Magistrate Judge And Request For**
Reassignment To A United States District Judge on the following individuals:

6 CSC – LAWYERS INCORPORATING SERVICE
 7 2730 Gateway Oaks Dr., Ste 100
 Sacramento, CA 95833

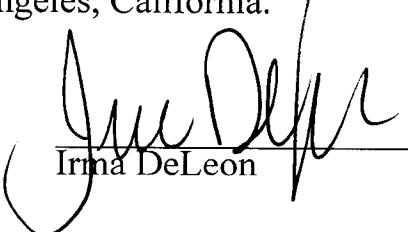
8 **VIA U.S. MAIL** - I placed a true copy of the foregoing document(s) in a
 9 sealed envelope addressed as indicated above on the above listed date for
 10 collection and mailing with the United States Postal Service. I am readily
 11 familiar with this firm's practice for collection and processing of
 correspondence for mailing with the United States Postal Service: it is
 deposited with the United States Postal Service on that same day for first
 class delivery, postage fully prepared.

12 **VIA FACSIMILE TRANSMISSION** - From facsimile machine,
 13 telephone number (213) 217-5010, I served a full and complete copy of the
 14 foregoing document(s) on the above listed date by facsimile transmission to
 each person(s) at the number(s) indicated.

15 **BY PERSONAL SERVICE** - I placed a true copy of the foregoing
 16 document(s) in a sealed envelope addressed to each person(s) named above
 17 at the address(es) listed above and giving same to a messenger for personal
 delivery before 5:00 p.m. on the above listed date.

18 **BY OVERNIGHT SERVICE** - I placed a true copy of the foregoing
 19 document(s) in a sealed envelope addressed to each person(s) named above
 20 at the address(es) listed above. I am readily familiar with this firm's practice
 21 for collection and processing of correspondence for delivery via overnight
 service. Pursuant to that practice, envelopes placed for collection at
 designated locations during designated hours are delivered to an overnight
 service carrier with a completed invoice, under which all delivery charges
 are paid by this firm.

22 **(FEDERAL)** I declare under penalty of perjury that the foregoing
 23 document(s) were printed on recycled paper and that this Certification of Service
 24 was executed by me on July 18, 2008, at Los Angeles, California.

25 
 26 Irma DeLeon
 27